

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

Kevin Braithwaite,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 04-1542-GMS
)	
Marcello Rispoli et al.,)	
)	
)	Trial by Jury Demanded
)	
Defendants.)	

**DEFENDANTS' MOTION FOR LEAVE TO
TAKE DEPOSITION OF PLAINTIFF**

Defendants, by undersigned counsel, hereby move for leave of Court pursuant to Federal Rule Civil Procedure 30(a)(2) and Local Rule 30.1 to take the deposition of Kevin Braithwaite, by oral examination who is confined in the Delaware Correctional Center, Smyrna, Delaware in order for Defendants to obtain discovery regarding matters relevant to their defense.

1. Since the plaintiff in this action is an unrepresented prisoner incarcerated in the Delaware Correctional Center, and is unable to be reached by telephone and other contact is impractical, counsel has spent no time attempting to reach an agreement on the subject of the motion.

2. The discovery deadline in this matter is March 2, 2007.

WHEREFORE, Defendants respectfully request that the deposition by oral examination of Kevin Braithwaite be taken on Wednesday, February 28, 2007 at 10:00 AM at the Delaware Correctional Center, Smyrna, Delaware and same be taken before a person authorized to administer oaths pursuant to Rule 28 of the Federal Rules of Civil Procedure. The deposition

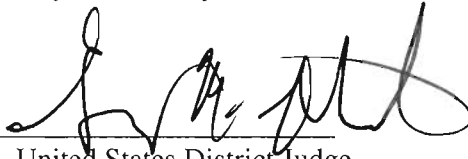
will be recorded by stenographic means.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Ophelia M. Waters
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Dated: February 9, 2007

SO ORDERED this 28th day of February, 2007.


United States District Judge

